



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

TOWN CLERK

Resolution #11 for 2015

July 29, 2015

Resolution Approving Lot Line Adjustments and Preliminary Subdivision Plat for the Silo Ridge Field Club

WHEREAS, in 2005, Higher Ground Country Club, LLC ("HGCC") proposed the development of a resort community on 670+/- acres located west of NYS Route 22 and north and south of US Route 44 in the Town of Amenia identified as parcel numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177 and 7066-00-628131 on the Town of Amenia Tax Map (the "Original Project Site"). The Original Project Site was previously developed with a 170 acre 18-hole championship golf course and clubhouse; and

WHEREAS, the proposed development consisted of the following elements, among other things: condominiums, single-family homes, a resort hotel/lodge, a "winery-themed" restaurant, retail uses, water and waste water treatment facilities, a renovated golf course and a new clubhouse (the "Original Project"). The Original Project was named the Silo Ridge Resort Community; and

WHEREAS, on January 9, 2009, after completing a Final Environmental Impact Statement ("FEIS"), the Planning Board adopted a comprehensive Findings Statement for the Original Project under the State Environmental Quality Review Act ("SEQRA") (the "2009 SEQRA Findings"); and

WHEREAS, on June 25, 2009, the Planning Board issued a Special Permit and Master Development Plan Approval (the "Original Approval") and related Findings Statement for the Original Project; and

WHEREAS, on February 4, 2010, the Planning Board renewed the Original Approval until June 25, 2011 pursuant Section 121-62 of the Town of Amenia Zoning Code (the "Zoning Code"); and

WHEREAS, on March 3, 2011, the Planning Board further renewed the Original Approval until June 25, 2013 pursuant Section 121-62 of the Zoning Code; and

WHEREAS, in June 2013, the Planning Board renewed the Original Approval until June 2015 pursuant to Section 121-62 of the Zoning Code; and

WHEREAS, in October 2013, Silo Ridge Ventures, LLC (the "Applicant"), the successor to HGCC, submitted applications to the Planning Board seeking to modify the Original Project and redevelop the Original Project Site as a mixed-use resort community including, among other things, 52 attached condominiums, 159 single-family detached homes on separate lots, 13 townhomes on separate lots, 21 hotel-condominium lodging units, a winery-themed restaurant, an 18-hole golf course, a clubhouse/lodge (with restaurant, bar/lounge and golf pro shop), family activity barn and lake pavilion, fitness spa, yoga center, golf academy, sales center and general store, village green, an "Artisan's Park Overlook," water and waste water plants, recreational and open space amenities and related improvements to be owned and maintained by one or more homeowner's associations and condominium associations (the "Modified Project"). The Modified Project was renamed the Silo Ridge Field Club; and

WHEREAS, the Modified Project is proposed to be developed on the Original Project Site and a portion of an adjoining tax parcel 7066-00-870350 owned by the Harlem Valley Landfill Corp. ("HVLC Property") located in the Town of Amenia (the "Modified Project Site"); and

WHEREAS, in connection with the Modified Project, the Applicant applied to the Planning Board for, among other things: (1) an amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code; (2) Special Permit approvals for the golf maintenance facility, golf course improvements and waste water treatment plant to be located on a portion of the HVLC Property in the OC zoning district pursuant to Section 121-10(B) of the Zoning Code; (3) a Site Plan approval for the first phase of the Modified Project including the golf maintenance facility, golf course improvements and waste water treatment plant ("WWTP") to be located on the HVLC Property; (4) a Preliminary Subdivision approval and lot line adjustment to incorporate a portion of the HVLC Property pursuant to Chapter 105 (the "Subdivision Law") of the Town Code; (5) Special Permit approval for storage at the golf maintenance facility of more than 500 pounds of fertilizers and pesticides/herbicides pursuant to Town Code 121-15(E)(1); and (6) certain waivers and supplementary approvals under the Town's Zoning Code and Subdivision Law (collectively the "Applications"); and

WHEREAS, as part of the Applications, the Applicant also submitted, among other things, an Amended Master Development Plan narrative with drawings and plans (the "Amended MDP"); detailed site plans; and detailed preliminary subdivision plans; and

WHEREAS, the preliminary subdivision plat constitutes a major subdivision under the Subdivision Law because it entails the subdivision of land into four or more lots over an eight year period; and

WHEREAS, the Planning Board has followed the procedures for processing a major subdivision application as set forth in the Subdivision Law; and

WHEREAS, on March 25, 2014, the Planning Board circulated a full Environmental Assessment Form ("EAF") to all involved agencies. On May 15, 2014, the Planning Board designated itself as Lead Agency under SEQRA for review of the Applications; and

WHEREAS, as part of the Applications, the Applicant submitted an Addendum to the EAF containing numerous detailed and comprehensive plans, reports, studies and other documents evaluating the Modified Project's potential impacts on the following environmental topics, among others: soils and geology, water resources, cultural resources, transportation, land use and zoning, HVLC Property, water and waste water, stormwater, aesthetic resources, fiscal resources, fire safety, local and regional plan consistency, floodplains, vegetation and wildlife (collectively, the "Supplemental SEQRA Materials"); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Applications (including all materials submitted by the Applicant in support of the Applications) and all Supplemental SEQRA Materials over the last two years; and

WHEREAS, on August 21, 2014, the Planning Board determined the Applications complete for purposes of public review and caused the Applications and Supplemental SEQRA Materials to be available at the Town Hall, Amenia Public Library and posted to a website linked to the Town's official website; and

WHEREAS, on September 4, 2014 and September 18, 2014, the Planning Board held public hearings on the Applications and Supplemental SEQRA Materials. The Planning Board continued the public hearing to allow the Applicant to revise the Applications and Supplemental SEQRA Material in response to comments from the Planning Board, its consultants and the public; and

WHEREAS, pursuant to Section 105-13(G) of the Town's Subdivision Law, the Planning Board may permit a subdivision plat to be divided into two or more sections or phases subject to any conditions it deems necessary to ensure the orderly development of the final subdivision plat; and

WHEREAS, the Applicant has submitted a Phasing Plan (dated February 25, 2015) for the Modified Project, which provides that the first phase (known as "Phase Zero") will be constructed in Years 1 and 2, and will include modification of the existing golf course including the driving range, and installation of related infrastructure. The second phase (known as Phase 1) will be constructed during Years 2 to 6, and will include construction of the WWTP and conveyance system, the water supply and distribution system, and treatment facility, the Clubhouse, the Village Green neighborhood condominiums and townhomes, the Golf Villa neighborhood, the South Lawn neighborhood single-family homes, the Estate Homes neighborhood single-family homes, the Sales Center and General Store, the Artisan's Park Overlook, amenity buildings, and related infrastructure. The third phase (known as Phase 2) is planned for Years 6 to 8, and will include construction of the Vineyard Cottages, a pool and cabana for residents of the Vineyard Cottages, winery-themed restaurant, and related

infrastructure. A detailed phasing plan is contained in Drawing SP-5 of the plans accompanying the Amended MDP text; and

WHEREAS, the Applicant submitted revised Applications and revised Supplemental SEQRA Materials to the Planning Board for its consideration. The Applicant also submitted their responses, in writing, to all substantive comments received from the Planning Board, its consultants and the public during the public hearing period; and

WHEREAS, as part of their revised Applications, the Applicant submitted, among other things, a revised preliminary plat entitled "Silo Ridge Field Club Preliminary Subdivision Plats" (the "Revised Preliminary Plat"); and

WHEREAS, the Revised Preliminary Plat also includes a lot line adjustment between the HVLC Property and parcel no. 7066-00-670717, owned by Silo Ridge Ventures Property A LLC, to incorporate 6.4 ± acres of the HVLC Property into the Modified Project Site; and

WHEREAS, on April 8, 2015, the Planning Board determined the revised Applications to be complete for purposes of public review and scheduled a continuation of the public hearing for April 28, 2015. On April 9, 2015, the Applicant submitted a letter to the Planning Board requesting that the public hearing be rescheduled to May 5, 2015, to provide the Planning Board and the public additional time to review the revised Applications; and

WHEREAS, the Planning Board referred a full statement of the revised Applications to the Dutchess County Planning Department as required by NYS Town Law and Sections and 239-m and 239-n of the NYS General Municipal Law. The Dutchess County Department of Planning issued a report that determined that the revised Applications were a matter of local concern, and provided comments supporting the revised Applications; and

WHEREAS, on May 5, 2015, the Planning Board held, and closed, the public hearing on the revised Applications and revised Supplemental SEQRA Material; and

WHEREAS, the Applicant further revised the Applications and Supplemental SEQRA Materials in response to comments received from the Planning Board, its consultants and the public during the May 5th public hearing. The Applicant also submitted written responses to new substantive comments made during the hearing. These further revised materials were submitted to the Planning Board for its consideration; and

WHEREAS, the Planning Board has also considered written comments on the Modified Project from a variety of involved and interested agencies including, but not limited to, the New York State Department of Transportation, the New York State Department of Environmental Conservation, the Dutchess County Department of Planning, the Dutchess County Department of Health, the Amenia Fire Department, the Wassaic Fire Department, the Town of Amenia Code Enforcement Officer, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and Dutchess Land Conservancy, among others; and

WHEREAS, the Subdivision Law requires the Planning Board to make a decision on the preliminary subdivision application within 62 days after the public hearing. On June 29, 2015, the Applicant agreed to extend the Planning Board's time to decide the subdivision application until July 31, 2015; and

WHEREAS, Sections 121-20(A)(4) and 121-18(C)(2) of the Zoning Code require the Planning Board to prepare conservation findings to determine which land on the Modified Project Site has the most conservation value and should be protected from development by a conservation easement. With the assistance of its ecological consultant, the Planning Board has prepared conservation findings for the Modified Project and such findings have been attached and incorporated into the 2015 Amended SEQRA Findings noted below. Based on these findings, a conservation easement has been prepared to protect no less than 80% of the overall Modified Project Site; and

WHEREAS, in accordance with Sections 105-26 and 121-18 of the Town Code, the Applicant provided a draft conservation easement to the Planning Board; and

WHEREAS, on July 29, 2015, the Planning Board adopted an Amended and Restated Findings Statement (with mitigation measures) for the Modified Project under SEQRA (the "2015 Amended SEQRA Findings"); and

WHEREAS, the roads on the Modified Project Site and shown on the Revised Preliminary Plat will constitute private rural lanes under the Subdivision Law and do not qualify for, and are not intended for, dedication to the Town of Amenia and there is no obligation on the part of the Town to accept such roads under any circumstances. As noted on the Revised Preliminary Plat, a master homeowners association ("HOA") shall own, maintain, upkeep, repair and plow the rural lanes in this subdivision; and

WHEREAS, pursuant to Section 105-28 and Appendix B(II)(6) of the Town's Subdivision Law, "a performance bond, letter of credit, or equivalent security shall be delivered to the Town Board to guarantee thereby to the Town that the applicant shall faithfully cause to be constructed and completed within a reasonable time, the required improvements"; and

WHEREAS, pursuant to Sections 105-24(A) and 105-33 of the Subdivision Law and Section 277 of New York State Town Law, the Planning Board has the authority to waive any subdivision requirements or improvements related to the Modified Project if it determines that such waivers are in the interest of public health, safety and general welfare; and

WHEREAS, the Planning Board has reviewed a memorandum prepared by the Applicant's legal counsel, DelBello Donnellan Weingarten Wise & Weiderkehr LLP dated February 5, 2015 (last revised July 29, 2015), which sets forth a list of proposed waivers and supplementary approvals and justifications for each (the "Waiver Memorandum") related to the Modified Project. This Waiver Memorandum is attached hereto as Exhibit A; and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, has reviewed and revised the Waiver Memorandum and determined it to be a complete list of waivers and supplementary approvals applicable to the Modified Project; and

WHEREAS, the Planning Board concurs with the justifications set forth in the Waiver Memorandum and finds that subdivision requirements or improvements proposed to be waived will not jeopardize the public health, safety and general welfare; and

WHEREAS, the Planning Board has determined that the Revised Preliminary Plat conforms to the general policy objectives set forth in Section 105-2 of the Subdivision Law; and

WHEREAS, the Planning Board has determined that the Revised Preliminary Plat conforms to the design and improvement standards set forth in Article V of the Subdivision Law.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 105-26(B) of the Subdivision Law, the Planning Board hereby approves the draft conservation easement (dated July __, 2015) for the Modified Project. The draft easement shall to be entered into between the Town of Amenia, the Applicant and a qualified not-for-profit conservation organization to be approved by the Planning Board. The draft easement provides that no less than 80% of the Modified Project Site will be preserved as open space as required by Section 121-18 of the Zoning Code. As noted below, a final conservation easement shall be submitted for approval by the Planning Board with the application for the final subdivision approval; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-33 of the Subdivision Law, the Planning Board hereby waives the subdivision requirements set forth in the Waiver Memorandum attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the lot line adjustment to merge parts of the HVLC Property into parcel no. 7066-00-670717 as depicted on the Revised Preliminary Plat, thereby adding 6.4+/- acres to the Modified Project Site; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-12 of the Subdivision Law, the Planning Board approves the Revised Preliminary Plat for the Modified Project entitled "Silo Ridge Field Club Preliminary Subdivision Plats" prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. dated January 8, 2015 (last revised June 15, 2015) consisting of the following drawings and plans:

<u>Number</u>	<u>Drawing Title</u>	<u>Issue Date</u>
PL0.01	Preliminary Subdivision Plat Notes	6/15/2015
PL1.01-PL1.02	Existing Conditions Plat	6/15/2015
PL2.01-PL2.08	Preliminary Subdivision Plat	6/15/2015
PL3.01-PL3.03	Conservation Easement Subdivision Plat	6/15/2015
PL4.01-PL4.03	Homeowners Association Subdivision Plat	6/15/2015
PL5.01	HVL Corporation Easement	6/15/2015
PL6.01-PL6.03	Drainage – HOA Easements	6/15/2015
PL7.01-PL7.03	Water-Works Corporation Easements	6/15/2015
PL8.01-PL8.03	Sewage-Works Corporation Easements	6/15/2015

BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law and Section 276 of the New York State Town Law, the Planning Board imposes the following conditions on the lot line adjustment and preliminary subdivision approvals granted by this resolution:

The Applicant must satisfy the following conditions before approval of the final subdivision plat by the Planning Board:

1. The Applicant shall submit a complete application for final subdivision plat approval in accordance with Sections 105-13(3) and 105-18 of the Subdivision Law.
2. The Applicant shall submit a final subdivision plat for approval that contains the information listed in Appendix C, Section IV of the Subdivision Law unless the information has been waived by the Planning Board.
3. The final subdivision plat shall include a key map showing the subdivision to be laid out in sections or phases of development. The final plat shall also include separate final plat drawing(s) for each individual section or phase allowing each to be filed separately with the Dutchess County Clerk's Office. The Applicant shall not be permitted to begin construction of any improvements in any section until that section has been filed in the County Clerk's Office and a satisfactory performance guaranty has been posted covering the cost of such improvements.
4. The Modified Project plans require numerous easements to facilitate the Modified Project. The final subdivision plat shall identify all required easements, including without limitation, the following:
 - a. Final conservation easement with a qualified not-for-profit conservation organization.
 - b. Easement from HVLC allowing access over the HVLC Property and construction of Modified Project improvements, and temporary easement for grading outside of the "easement area".
 - c. Public access easement to the Town of Amenia for the Artisan's Park Overlook providing details of the improvements, hours of operation, maintenance responsibilities, etc. The Overlook is considered an important visual mitigation measure under the 2015 Amended SEQRA Findings.
 - d. Common driveway easements, reciprocal access easements and maintenance agreements for Lots LL-9 and LL-10; LL-21 and LL-22, E-33 & 34, and any other lots sharing a common driveway.
 - e. An easement to the Town of Amenia and an easement to the HOA to enter private lots along roads for roadway construction and slope stabilization, including the construction, maintenance, repair and replacement of retaining walls along Ridgeline Road, Oak Tree Lane and Red Tail Pass.

- f. A blanket emergency access easement to all emergency service providers and the Town of Amenia over all roads, paths, walks and property of the Modified Project Site including the easement area on HVLC Property.
 - g. An easement for the Silo Ridge Water Works Corporation for construction, maintenance, repair and replacement of its facilities on the Modified Project Site.
 - h. An easement for the Silo Ridge Sewage Works Corporation for construction, maintenance, repair and replacement of its facilities on the Modified Project Site.
 - i. A blanket easement allowing the Town of Amenia to enter the Modified Project Site to maintain, repair and replace any storm water management improvements and facilities (including all water bodies) on the Modified Project Site.
 - j. An easement to the Club/golf course owner over all roads and pedestrian ways.
 - k. A reciprocal drainage easement between the Club/golf course owner and the HOA.
 - l. An easement to the Water Works Corporation over Lot E-15 to allow access, maintenance, repair and replacement of Well #9.
 - m. Trail easement to the HOA to cross private lots including Lot LL-9.
 - n. Maintenance easement agreement to allow the HOA to enter Club/golf course property to maintain the sidewalks.
 - o. Maintenance and access agreement to the Silo Ridge Fied Club across HOA land and private lots to install, maintain, repair and replace the gun safety wall around the Amenia Fish and Game Club.
 - p. A 30' wide stormwater and drainage easement to the Town of Amenia over all watercourses, streams, drainageways and channels.
 - q. Easements for sanitary control over the property between 100 and 200 feet of all potable water supply wells.
 - r. Any other easements identified by the Applicant or by the Planning Board during the review of the final subdivision plat.
5. Drafts of each required easement including those easements listed above shall be provided to the Planning Board. The easements shall be approved by the Planning Board and its Attorney prior to endorsement of the final plat by the Planning Board Chairman.
 6. The following changes shall be made to the Revised Preliminary Plat, and reflected on final plat submitted to the Planning Board:
 - a. Any blanks in the plat notes provided on Drawing PL0.01 shall be completed.

- b. On Drawings PL2.01 to PL2.08, add the missing metes and bounds for all road boundaries because the roads are to be transferred to the HOA as a separate lot. The road boundaries are also needed to provide the lots lines for a number of lots.
- c. On Drawing PL2.06, add the missing metes and bounds between Lots T-1 and T-2.
- d. On Drawing PL2.07, add the missing metes and bounds between Lots HOA-2 and SR-9.
- e. On Drawing PL2.01, show the lot line adjustment for Lot E-31 and the metes and bounds for the entire lot including the adjustment area.
- f. The lot lines for SR-12 should be removed from each sheet to avoid confusion because a land-locked lot is not being created. SR-12 should be designated as a "building envelope" in the Open Space area.
- g. The Applicant's existing office building on US Route 44 should be added to Drawing PL3.03.
- h. As required by Section 105-18 of the Subdivision Law, the final plat shall be certified by a licensed land surveyor and engineer.
- i. On Drawing PL0.01, revise Notes 8 and 27 to remove the references to the Flood Plain Overlay District.
- j. On Drawing PL0.01, provide updated dates of all approved documents referenced in the plat notes.
- k. If the final conservation easement will be held by a different qualified not-for-profit conservation organization than Dutchess Land Conservancy, Note 55 on Drawing PL0.01 should be revised to identify the holder.
- l. Modify the plat to remove the gun safety wall around the Amenia Fish & Game Club property from the Open Space area.
- m. Any further changes to the final subdivision plat required by the Planning Board's consultants including changes that may be noted in the following comment memos sent to the Planning Board by: Whiteman Osterman & Hanna, LLP dated April 22, 2015; Rohde, Soyka & Andrews dated October 28, 2014; Rohde Soyka & Andrews dated April 22, 2015; Mary Ann Johnson, AICP dated April 21, 2015; George M. Janes & Associates dated April 20, 2015; and Michael Klemens Ph.D. dated April 15, 2015.
- n. As required by Section 105-13 of the Subdivision Law, a note shall be added to the final plat stating "the Town of Amenia Planning Board has determined that this final subdivision plat satisfies all of the requirements found in Appendix B, Appendix C and Articles IV and VI of the Town's Subdivision Code."

- o. A note should be added stating that as part of Phase 2 site plan approval, which includes the Winery Restaurant, the subdivision plat shall be amended to include the water line easement across US Route 44 running from the underground water tank to the Winery Restaurant.
7. As required by Sections 105-13(A)(3)(b) and 105-25(E) of the Subdivision Law, the final plat shall be endorsed by the Dutchess County Department of Health as satisfying all the standards of the State Sanitary Code and all related laws.
8. As required by Section 105-13(A)(3)(e) of the Subdivision Law, the Modified Project plans for the proposed rural lanes and driveway cuts shall be approved by the Town Superintendent of Highways and Town Engineer. In the alternative, the Applicant can submit statements from these Town officials that their approvals are unnecessary because the Modified Project does not contain any roads to be dedicated to the Town of Amenia.
9. As required by Section 105-13(A)(3)(e) of the Subdivision Law, the Applicant shall submit an approval from NYS Department of Transportation ("NYSDOT") permitting all of the driveways for the Modified Project to connect with NYS Route 22 and US Route 44.
10. The Applicant shall submit a final conservation easement for approval by the Planning Board and Town Board.
11. The Applicant shall submit a modified bonding proposal for the entire Modified Project which addresses the comments contained in the Memorandum from Rohde Soyka & Andrews dated July 28, 2015. The modified bonding proposal must be approved by the Planning Board before approval of the final subdivision plat.
12. Pursuant to Section 105-28 of the Subdivision Code, the Applicant shall submit a draft performance bond to the Planning Board in the amount of \$8,662,943 to guarantee the completion of infrastructure improvements for Phase 1, subphase 1A of the Modified Project as described in the modified bonding proposal approved by the Planning Board. The bond must be acceptable to the Planning Board, Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and the bond must be approved by the Town Board and posted before the final subdivision plat is endorsed by the Planning Board Chairman. As required by Section 105-28(A)(1)(a) of the Subdivision Law, the term of the performance guaranty shall extend for at least one year after the date that the required improvements were completed to the satisfaction of the Town Engineer.
13. Pursuant to Section 105-28 of the Subdivision Law, the Applicant shall submit a draft performance bond to the Planning Board in the amount of \$3,884,003 to guarantee the completion of the WWTP and sewage works system for the Modified Project as described in the modified bonding proposal approved by the Planning Board. The bond must be acceptable to the Planning Board, Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and the bond must be approved by the Town Board and posted before the final subdivision plat is endorsed

by the Planning Board Chairman. As required by Section 105-28(A)(1)(a) of the Subdivision Law, the term of the performance guaranty shall extend for at least one year after the date that the required improvements were completed to the satisfaction of the Town Engineer.

14. Pursuant to Section 119 of the NYS Transportation Corporations Law, the Applicant shall submit a draft financial guarantee from the Silo Ridge Sewage Works Corporation to guarantee that the corporation will continue to maintain and operate the sewer system for a period of at least five years. The guarantee shall be in an amount of the estimated cost of the operation and maintenance of the sewage works, less the estimated revenues which are received from properties served and to be utilized to defray such operation and maintenance costs as reported by the licensed professional engineer to the Town. The bond must be acceptable to the Planning Board, Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and the bond must be approved by the Town Board and posted before the certificate of occupancy is issued for the WWTP.
15. Pursuant to Section 119 of the NYS Transportation Corporation Law, the Applicant shall submit a draft escrow agreement providing that the Applicant will deposit the stock of the Silo Ridge Sewage Works Corporation in an escrow account maintained by the Town. Title to the stock shall pass to the Town in the event of failure to complete construction of the sewer system or in the event of abandonment or discontinuance of maintenance and operation of the system by the corporation. The form of the Escrow Agreement must be acceptable to the Planning Board, Town Board and the Town Attorney and the agreement must be approved by the Town Board. The stock must be deposited into escrow account before issuance of a building permit for the WWTP.
16. Pursuant to Sections 105-24(A)(7) and 105-28 of the Subdivision Code and Section 121-34 of the Zoning Code, the Applicant shall submit a draft security agreement (or amendment to the existing Security Agreement dated September 16, 2014) providing that the Applicant will deposit \$80,000 in cash in an escrow account maintained by the Town to guarantee the cost of reclaiming areas in to be excavated or graded in Phase 1, subphase 1A of the Modified Project as described in the modified bonding proposal. The form of the Security Agreement must be acceptable to the Planning Board, Town Board and the Town Attorney and the agreement must be approved by the Town Board and posted before the final subdivision plat is endorsed by the Planning Board Chairman.
17. The Applicant shall submit a draft agreement providing that the Applicant will guarantee the survivability of any landscaping installed in Phase 1, subphase 1A of the Modified Project.
18. The Applicant shall submit the certifications required by Appendix C, Section IV(4) of the Subdivision Law.

19. As required by Section 105-25(E) of the Subdivision Law, the central sewer and water systems and their related appurtenances to be installed as part of the Modified Project shall be offered for dedication to the Town of Amenia, without cost to the Town. In the event that the offer of dedication is not accepted by the Town at the time of final plat approval, the systems shall be owned and operated by the Silo Ridge Sewage Works Corporation and Silo Ridge Water Works Corporation, respectively, formed under the laws of the New York State for these purposes and the offer of dedication of the systems, with appurtenances and without cost to the Town, shall remain open and shall be binding on these transportation corporations.
20. The Applicant shall submit the final HOA documents to the Planning Board and Town Attorney for review and approval as required by Section 105-27 of the Subdivision Law. The HOA documents shall include, but are not limited to, the Declaration of Covenants, Restrictions, Easements, Charges and Liens, the By-Laws and the Declaration(s) of Condominium. These documents must meet all applicable requirements for homeowners' and condominium associations set forth in the Zoning Code and Subdivision Law. The approved Design Standards for Estate Lots must be incorporated into the HOA documents.
21. As required by Section 105-30 of the Subdivision Law, the Applicant shall provide written letters from each public utility (electric, phone, cable, etc.) stating that they will provide underground service installations to the Modified Project.
22. If the Applicant cannot find a qualified not-for-profit conservation organization to hold the conservation easement, then the draft easement shall be revised to provide that the Town of Amenia shall hold the easement subject to the approval of the easement by the Town Board.
23. New roads, clearing of trees and shrubbery, sidewalks, water and/or sewer lines for the Modified Project (except in conjunction with golf course work) shall not be installed until the Applicant has received final plat approval from the Planning Board.
24. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the applications related to the Modified Project.
25. Pursuant to Section 105-5 of the Subdivision Code, the sale of lots or individual parcels of land shall proceed after final plat approval and other necessary permits/approvals have been obtained by the Applicant.
26. As part of any approval of the final subdivision plat, the Planning Board reserves the right to impose additional conditions including, among other things, conditions that must be satisfied before endorsement of the final plat by the Planning Board Chairman.

BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder ~~remaining parts~~ of this approval resolution shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that the Planning Board reserves the right to revoke this approval after a hearing if it determines that as a result of such annulment by a court of competent jurisdiction, the Modified Project ~~it~~ no longer complies with Town's Subdivision Law and/or Zoning Law; and

BE IT FURTHER RESOLVED, that this approval of the Revised Preliminary Plat does not constitute approval of the final subdivision plat and does not constitute a valid basis for the construction of any site improvements; and

BE IT FURTHER RESOLVED, that as required by Section 276(5)(f) and (g) of the Town Law, within five (5) business days of the date of this resolution the Revised Preliminary Plat shall be certified by the Planning Board Clerk as having been granted preliminary approval and a copy of the Revised Preliminary Plat and this resolution shall be filed in the Town of Amenia Town Clerk's office. Moreover, a copy of this resolution shall be mailed to the Applicant; and


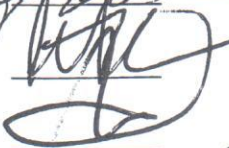

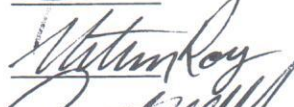
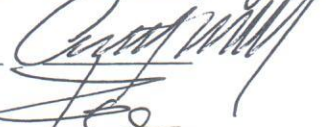


BE IT FURTHER RESOLVED, that pursuant to Section 276(5)(h) of the Town Law and Section 105-13 of the Subdivision Law, if the final subdivision plat is not submitted for final plat approval to the Planning Board within six months from the date of this resolution, or within any extensions of time provided by the Board under Section 105-12(I) of the Subdivision Law, this approval of the Revised Preliminary Plat shall terminate and become null and void; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

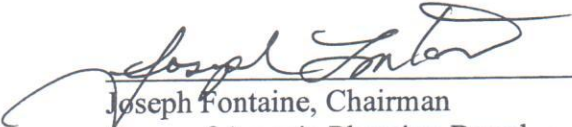
Motion By: Peter Clavin

Second By: Enrich McEmale

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nathan Roy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erich McEnroe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Kroeger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Dated: July 29, 2015
Amenia, New York


Joseph Fontaine, Chairman
Town of Amenia Planning Board